

Regd.
Urgent Court Matter

**HP STATE POLLUTION CONTROL BOARD,
BELOW BCS, PHASE-III, NEW SHIMLA**

No. PCB/OA No. 43/2023 -6626

Dated: 09-08-2023

From: The Member Secretary

To

The Registrar General,
Hon'ble National Green Tribunal
Faridkot House, Copernicus Marg, Near India Gate, New Delhi,
Delhi 110001.

Sub: - Action taken report in compliance to order dated 3-3-2023 passed in OA No. 43/2023 titled Dinesh Kumar V/s State of HP.

Sir,

Kindly refer to order dated 03-03-2023 passed by Hon'ble National Green Tribunal in the afore-cited matter related to alleged illegal and unscientific operation of M/s Jai Singh Thakur and Sons and Balbir Singh Shuparam Chuna Pattar Mines in Village Panchayat, Banor in Nalta Khand/ Khadd/Bohara of Village Panchayat Banaur in District Sirmour HP, wherein following directions has been passed:-

"...1. In our view, the issue raised in this application can be looked into by concerned local authorities, for the purpose whereof, we constitute a joint committee comprising State PCB, DFO, representative of Mining Department of State and District Magistrate, Sirmour who shall look into the matter, visit the site, collect relevant information and if finds violation, would take appropriate remedial action including, preventive and punitive action (including, assessment of environmental compensation) within two months.

2. The nodal agency will be State PCB for coordination and compliance.

3. An action taken report may be filed with the Registrar General, NGT by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any further direction is found necessary, he may place the matter before the Bench.

4. A copy of this order along with a copy of complaint be forwarded to State PCB, DFO, representative of Mining Department of State and District Magistrate, Sirmour by email for compliance.

5. The application is disposed of....."

In compliance to afore-cited directions, it is submitted that the mining sites were inspected by the SDM, Paonta Sahib, Assistant Environmental Engineer, HPSPCB, Regional Office Paonta Sahib and Mining Inspector on 1-5-2023. As per the report, during joint inspection, the representatives of mines and complainant were also present. The Joint Committee constituted by Hon'ble NGT has submitted a Joint Inspection Report, copy of which is annexed as **Annexure-A**. which may kindly be taken on record please.

I/228235/2023

(Encl: As above)

Yours faithfully

Signed by

Anil Joshi
Anil Joshi, (IFS)

Date: 09-09-2023 10:41:11
Member Secretary
HPSPCB, Shimla-9

Joint Inspection Report in compliance of Hon'ble NGT orders in OA No. 43 of 2023 titled Dinesh Kumar V/s State of H.P. & Ors.

1. PREFACE

The Hon'ble NGT in Original Application no. 43/2023 titled Dinesh Kumar V/s State of HP & Ors. passed following orders on dated 03.03.2023:

1. In our view, the issue raised in this application can be looked into by concerned local authorities, for the purpose whereof, we constitute a joint committee comprising State PCB, DFO, representative of Mining Department of State and District Magistrate, Sirmour who shall look into the matter, visit the site, collect relevant information and if finds violation, would take appropriate remedial action including, preventive and punitive action (including, assessment of environmental compensation) within two months.

2. The nodal agency will be State PCB for coordination and compliance.

3. An action taken report may be filed with the Registrar General, NGT by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any further direction is found necessary, he may place the matter before the Bench."

In compliance to Hon'ble NGT order dated 03.03.2023, the Deputy Commissioner, Sirmour vide their office letter no. 178940, dated 15.03.2023 and Addl. Deputy Commissioner vide their letter no. 180077, dated 29.04.2023 constituted a sub-committee comprising of Sub Divisional Magistrate as Chairman, Mining Officer District Sirmour, Regional Officer, HPSPCB Paonta Sahib and concerned Divisional Forest Officer as Members of the sub-committee which shall inspect and check the status w.r.t. dumping yards, stockyards and any damage happened due to mining activities. The copies of letters are annexed herewith as **Annexure-1** and **Annexure-2** respectively.

2.0 INSPECTION BY JOINT SUB- COMMITTEE ON 01.05.2023

The Joint Committee assembled at the mining check post at Rajpur, Distt. Sirmour H.P. on 01.05.2023. The representatives of mines and complainant Sh. Dinesh Kumar were also present at the mining site. The copy of attendance sheet is annexed herewith as **Annexure-3**.

List of Officials of Sub-Committee attended the Joint Inspection:

Sr. No.	Name of Officer/Designation	Department
1.	Sh. Gunjeet Singh Cheema, Sub-Divisional Magistrate, Paonta Sahib Sirmaur	Representative of Deputy Commissioner, District Administration, GoHP.
2.	Er. Pawan Sharma, Regional Officer	Himachal Pradesh State Pollution Control Board, Regional Office Sirmaur at Paonta Sahib.
3.	Sh. Nikhil Patial, Mining Inspector, Sirmaur	Representative of Mining Officer, Mining Department, State of Himachal Pradesh.

During the inspection it was observed by the committee that two mining leases have been granted for the extraction of Limestone in favor of M/s Balbir Singh Supa Ram, VPO Banor, Tehsil Paonta Sahib, Distt. Sirmaur, H.P. and M/s Bohar Limestone Mine of Sh. Jai Singh Thakur & Sons, Village Banor, Tehsil Paonta Sahib, Distt. Sirmaur respectively.

The details of mines i.e. M/s Bohar Limestone Mine of Sh. Jai Singh Thakur & Sons, Village Banor, Tehsil Paonta Sahib, Distt. Sirmaur, and M/s Balbir Singh, Supa Ram, VPO Banor, Tehsil Paonta Sahib, Distt. Sirmaur, H.P. are given in **Table No. 1**

Table 1:

Sr. No.	Name and Address of Limestone Mine	Capacity	Mining Area	Environmental Clearance	Consent Status
1.	M/s Bohar Limestone Mine of Jai Singh Thakur & Sons, Village Banor, Tehsil Paonta Sahib, Distt. Sirmaur, H.P.	95800 M.T/year	4.15 Ha	Granted from MoEFCC, GoI vide letter no. J-11015/191/2015-IA.II(M), dated 07.06.2017	Valid up to 31.03.2026
3.	M/s Balbir Singh Supa Ram, VPO Banor, Tehsil Paonta Sahib, Distt. Sirmaur, H.P.	25000 M.T/year	0.847 Ha	Granted from MoEFCC, GoI vide letter no. J-11015/117/2015-IA.II(M), dated 31.01.2017	Valid up to 31.03.2026

The alleged land of complainant is located approx. 2 Km downstream along the bank of nallah which is passing from the sides of mining lease areas. It was apprised by the complainant to the

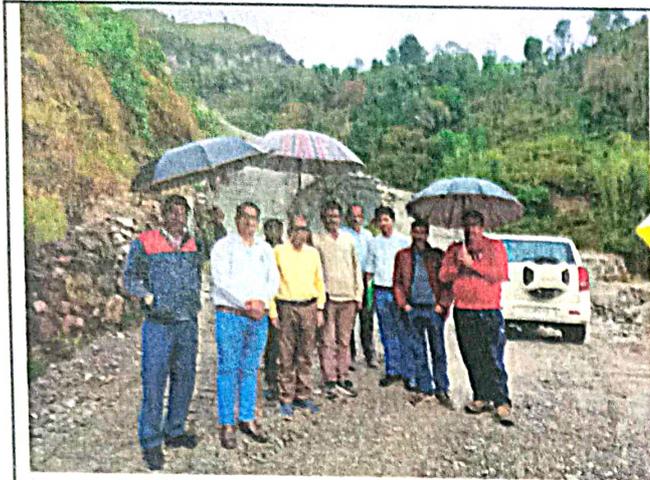
committee that his land was partially damaged due to debris flow of mines during the last monsoon season. He further requested the committee, that mine owners shall be directed to erect proper retaining structures to avoid any loss to his land afterward. The lease holders also inform the committee that proper retaining structures were erected across the nalla at different locations to arrest any debris flow from the mines to the nearest land. However, during the last monsoon season, the spot witnessed heavy flash flood. Resulting the retaining structures erected were also got damaged and the mineral stacked in the lease area, was flow down through the nalla. They also produced the photograph of the development work of mines prior to the flash flood.

It was further informed by lease holders that, immediately after the monsoon season, they have partially restored the retaining structures to arrest any debris flow or rolling stone and to avoid any damage to nearby lands. It was ensured by lease holders that total protection work will be completed within six-month period. They also informed that the matter regarding damage to the land has already resorted with complainant Sh. Dinesh Kumar, at their own level.

2.2. Observations of the Sub-Committee:

1. It was observed by the committee that the lease holders have already initiated the protection work and half of it has already completed. Appx. 10 nos of retaining structures have been erected by lease holder of M/s Bohar Lime Stone Mine toward the nallah to avoid any debris flow.
2. It was also observed that the mine waste generated at the site is also stacked within lease area. It is the apprehension of the committee that this muck may flow down in the case of flash flood in future.
3. It was also observed by committee that the retaining structures constructed earlier are already piled up with mine waste. It was advised by the committee to the lease holders that the height of retaining structures shall be enhanced so that in case of further debris flow, debris shall not be rolled down into nearby lands.

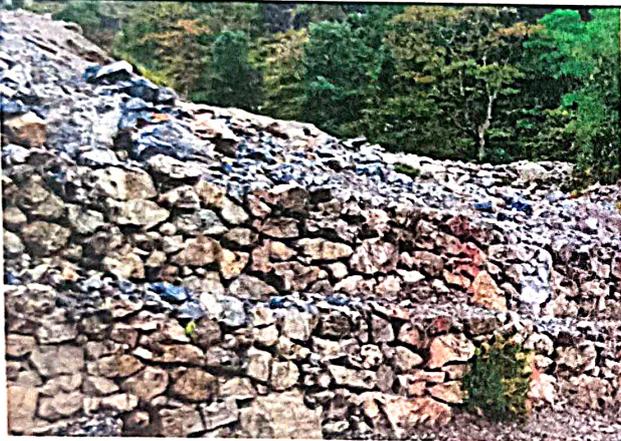
2.3 Inspection Photographs:



Photograph No. 1-Shows status of Sub- Committee, representatives of limestone mines and complainant present at the mining sites



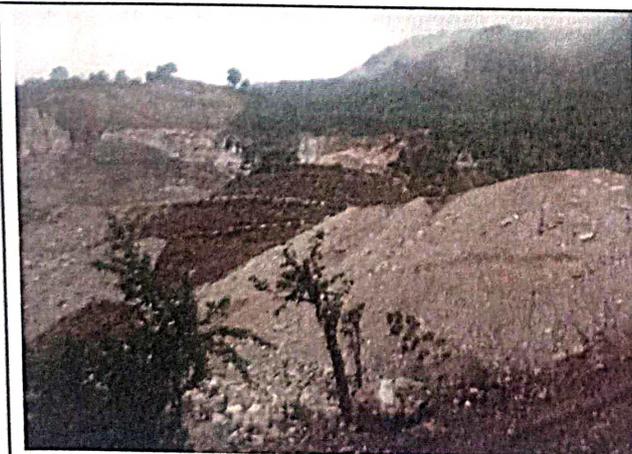
Photograph No. 2-Shows status of retaining wall structure constructed by M/s Bohar Lime Stone mine



Photograph No. 3-Shows status of retaining wall structure constructed by M/s Bohar Lime Stone mine



Photograph No. 4 -Shows status of retaining wall structure constructed on Dunga nallah damaged due to flash floods in last monsoon season and repair work initiated by lessee of Bohar Lime stone mine



Photograph No. 5 – Shows status of Dumping Yard of M/s Bohar Lime Stone



Photograph No. 6 – Shows status of Stockyard of M/s Bohar Lime Stone in Puruwala, Committee



Photograph No. 7 – Shows status of retaining wall structures constructed by lessee of M/s Balbir Singh Shupa Ram limestone mine



Photograph No. 8 – Shows status of retaining wall structures constructed by lessee of M/s Balbir Singh Shupa Ram limestone mine.

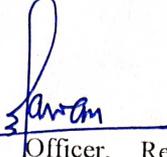
3. CONCLUSION/RECOMMENDATIONS OF THE SUB-COMMITTEE:

1. Repair and maintenance work of retaining wall structures which has been initiated by the lessee of M/s Bohar Lime Stone mine of M/s Jai Singh Thakur & Sons should be completed within six months.
2. The overburden/ mine waste from mining activities stacked at the mining site shall be properly reacquainted. It was also advised by committee that some other private land may be identified for dumping site to stack the mine waste. This will also enhance the working area of the mine and probability of debris flow also reduced.
3. Assistant mining inspector, Rajpura is directed to monitor the progress of protection work on fort-nightly basis and submit report in this regard.

Complainant Sh. Dinesh Kumar has also given his nod to the observations of Sub-committee and has given written statement as no objection against mining activities and appeal to withdraw complaint made by him. The copy of statement given by complainant Sh. Dinesh Kumar is annexed herewith as **Annexure-4**.

The Joint Inspection Report is submitted for consideration please.


Mining Officer,
District Sirmaur at
Nahan, H.P.


Regional Officer, Regional
Office of District Sirmaur at Paonta
Sahib, H.P.


Sub-Divisional Magistrate
Sub-Divisional Magistrate,
District Administration Office,
Paonta Sahib, Dist. Sirmaur (H.P.)
Nahan, H.P.

क्रमांक: पेशी -11-24(3)/2018- 180077
कार्यालय उपायुक्त, जिला सिरमौर हि० प्र०।
दिनांक: नाहन 29 अप्रैल-2023

सेवा में,

- 1 उपमण्डलाधिकारी(ना०)
पाँवटा साहिब, जिला सिरमौर, हि० प्र०।
- 2 खनन अधिकारी जिला सिरमौर।
- 3 वनमण्डलाधिकारी,
रेणुका जिला सिरमौर हि० प्र०।
- 4 क्षेत्रीय अधिकारी (प्रदूषण नियंत्रण बोर्ड),
पाँवटा साहिब, जिला सिरमौर।

विषय -

Compliance of order 03-03-2023 passed by the Hon'ble NGT in original application No. 43/2023 titled Dinesh kumar v/s state of HP.

महोदय,

उपरोक्त विषय पर आपका ध्यान इस कार्यालय के पत्र संख्या पेशी-11-24(3)/2018-178940 दिनांक 15.03.2023, जिसके माध्यम से श्री दिनेश कुमार, पुत्र स्वर्गीय श्री रामनाथन, ग्राम द डाकघर बनोर, तहसील पाँवटा साहिब, जिला सिरमौर से प्राप्त शिकायत में वर्णित तथ्यों/आरोपों की जांच हेतु उपमण्डलाधिकारी (ना०) पाँवटा साहिब की अध्यक्षता में समिति का गठन किया गया था का प्रसंग जारी रखते हुए उक्त समिति को मामले में छानबीन करने तथा इस उद्देश्य के लिए किसी प्रतिनिधि को प्रतिनियुक्त न करने का आदेश देते उक्त मामले में छानबीन एवं मौका निरीक्षण के लिए दिनांक 01.05.2023 समय 10:30 बजे निर्धारित किया गया है।

अतः आपसे अनुरोध किया गया है कि आप मामले में छानबीन एवं मौका निरीक्षण उपरान्त अपनी रिपोर्ट 01.05.2023 को इस कार्यालय को उपलब्ध करवाने की कृपा करें ताकि 02.05.2023 को राष्ट्रीय हरित अधिकरण (NGT) को सूचना उपलब्ध करवाई जा सके।

भवदीय,


अतिरिक्त उपायुक्त
जिला सिरमौर, हि० प्र०।

Attendance Sheet of Joint Inspection held on 01.05.2023 by sub-committee under chairmanship of Sub-Divisional Magistrate in compliance to order passed by Hon'ble NGT in O.P. No 18/2022 titled Doshi Biron Vs. State of Haryana

Sr. No.	Name	Department	Designation	Contact No.	Signature.
1	Nikhil Singh Gadgil	Mining, Dept of Industries	Mining Inspector	86250- 22122	
2	Dr. Pawan Sharma	HPPLR, Law & Ethics	Regional Office	9418964043	
3	A. K. CHANDRA	Representative of M/S Jai Singh & Co. Pvt. Ltd.	Representative	8894711004	
4	C. S. Debnath	Representative of M/S B.S.R.	Representative	9816624130	
5	Sanjeev Kumar	mining dep. of Ind-	Asst Mining Insp	7018800456	
6.					
7.					
8.					
9.					
10.					
11.					
12.					

मेरे दिनेश कुमार 8/0 श्रीकाशम VPO बनौर (ए० पावरा पिवा
 सिरमौर हि० प्र० का रहने वाला हूँ। मैंने जो शिक्षापत्र
 N. J. T. Delhi में बलवीर सिंह मुष्तासम और अमि सिंह
 ठाकुर मॉडिन के खिलाफ लिखी उस वॉरंट काण्ड सम्बन्ध
 जॉन्च वगैरह जो उप मजदूर कादिलदारी पावरा आदि के
 की अहमदशाह मे गठित की गई थी उस कमेटी के द्वारा
 आज दिनांक 11/5/2023 को मेरी मौजूदगी में दोना
 मॉडिन का निरीक्षण किया गया। भौके पर समझौता का
 सामाधान किया गया है। जो मजदूर बरसात के कारण
 नाली में डूबा गया था जिससे चौक डूब चुक गया है
 उससे हमारी जमीन को नुकसान हुआ था। मेरा
 आग्रह है कि उसको सुधारने में लगतग दे जहा
 का सभ्य लगेगा जो कि कमेटी द्वारा खान मालिकों को
 भौके पर निर्देश दिए। कमेटी की कार्यवाही से मैं
 सन्तुष्ट हूँ। और इन दोना मॉडिनो को चलने के
 मुझे कोई आपत्ती नहीं है। अतः जो भी मेरे द्वारा लिखे
 गये विभाग को जो शिक्षापत्र की है उसे खारीय सगह
 आहूत।

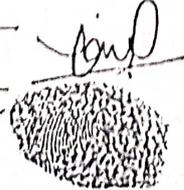
धन्यवाद

साक्ष्य

श्री चतर सिंह
 सुपुत्र श्री श्रीकाशम

चतर सिंह

श्री यश ठाकुर
 सुपुत्र श्री चतर सिंह
 श्री वीर सिंह राठ



प्राप्ति:-
 दिनेश कुमार
 S. J. T.